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ABSTRACT

Designed for parents of handicapped children, this brochure defines special education and the rights for available services and programs. It is divided into seven sections covering: (1) the definition of special education; (2) the types of agencies providing special education services; (3) parents' rights in the planning process for their child's education; (4) rights regarding testing and assessment; (5) a child's right to an individualized education program; (6) legal rights in relation to the Education for All Handicapped Children Act (Public Law 94-142); and (7) rights to confidentiality and access to the child's records. (JW)

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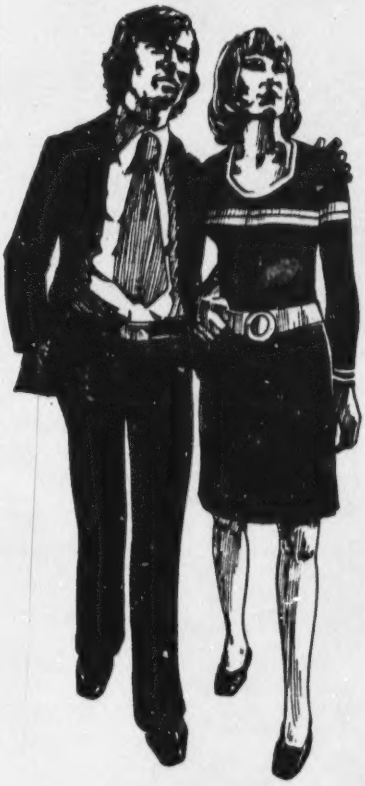
PARENT GUIDE TO



SPECIAL EDUCATION RIGHTS AND RESPONSIBILITIES

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What Is Special Education?

Special education is defined by law as *specifically designed instruction, at no cost to parents or guardians, to meet the unique needs of a handicapped child.*

Special education may include classroom instruction, instruction in physical education, home instruction and instruction in hospitals and institutions.

Special education includes related services that are necessary to help the handicapped child. Related services may include:

- transportation
- psychology services
- physical and occupational therapy
- speech/language development therapy
- counseling services
- vocational education

Special education may also include school social work services, parent counseling and training, informing parents about child development and helping parents to understand the special needs of their child.

Special education is not for all handicapped children. Many are able to and should attend school without any change in the classroom program.

For many children, special education will be just a part of the school program.

For other children, a special class may be most appropriate.

For still other children, the most appropriate environment will be a special school, private placement or institutional care.

Where May Special Education Services Be Provided?

Special Education services are to be provided in the least restrictive environment through a continuum of alternative placements, including the following:

- A Resource Specialist Program
- Designated Instruction Services
- Special Classes or Centers
- Nonpublic, Nonsectarian School Services
- State Special Schools

A Local Education Agency may only place in a certified nonpublic school setting when it has been determined no appropriate public education program is available.

Your Right To Information And Participation

The Education For All Handicapped Children Act (Public Law 94-142) protects your right to be fully informed and to participate in all the planning for decisions about your child's schooling.

YOU ARE ENTITLED TO:

- *Written notice* from your school system asking your permission to test your child (even if you have asked for the assessment).
- *Written notice* before any action is taken or recommended that may change, or fail to change your child's school program.
- See and examine your child's *school records,* including all records of the identification, assessment or placement of your child.
- A copy of your child's final *individualized educational program* (IEP).
- An opportunity to *discuss any serious complaints* you have about the educational services your child is receiving.
- An *impartial fair hearing* when you and the school cannot agree on what type of program will be most helpful for your child.
- Adequate *appeals proceedings* if you are not satisfied with the results of the hearing.

Your participation in your child's education can be ongoing. Stay in close touch with his or her teacher and the other specialists who may work with your child. Bring up questions you have, discuss what you can do at home and make suggestions. This will help you to make the best decision in the future for your child's education.

CALIFORNIA EDUCATION CODE, SECTION 56030

If a student is eligible for and admissable to special day class placement and the local school district, county program or a state special school cannot meet his or her needs, the parent/guardians can apply to the local school district for funds to cover the complete cost of the child's education in a private school or institution.

Your Rights In Testing And Assessment

The assessment of your child must be completed *within 50 days* of receipt of your consent for assessment plan.

You must receive a *written notice* from your school system asking your permission to test your child, even if you have requested the assessment.

You must also get *notice in writing* if the school turns down your request for assessment, with an explanation of why.

THE ASSESSMENT PROCEDURE

The assessment of your child should be a *well-rounded examination by a team of specialists* that tells how your child is doing in all areas of his/her intellectual, physical and emotional development.

Information about your child may be gathered in different ways . . . by talking to people who know him/her, including doctors and professionals; by conferring with classroom teachers; by meeting with you; by observing your child and by giving him/her some tests.

No one test or procedure may be the sole means of making a decision about an educational program.

Ask what kind of tests will be given to your child and why. Find out what information these tests will yield that can help you and the school know how your child learns, what skills should be strengthened, what problems he/she has to deal with and what special help he or she needs.

Your first-hand knowledge of your child is important information. Talk to members of the assessment team about your own observations of your child's behavior.

All methods used for testing and assessment must be racially and culturally nondiscriminatory. If a child's language is other than English, tests must be given in that language. Children who are deaf may have interpreters. All testing must take the nature of the handicaps into consideration.

The results of testing and assessment should be explained to you in clear terms and in your own language. Ask questions if anything is not clear to you.

If you do not feel that the school's assessment is fair or accurate, or if you disagree with the recommended program, you are permitted by law to get an independent assessment from other professionals. The school system can ask for a fair hearing when its assessment is challenged. If the ruling is in the school's favor, the school does not have to pay for the outside assessement.

Testing will not necessarily mean that your child will be eligible for special education. If you feel that the school's decision is wrong on this point, you can request a fair hearing. (See **Your Right to DUE PROCESS.**)

Remember, it is your responsibility to make sure your child has a complete physical examination and immunization.

Your Child's Right To An Individualized Education Program

The law requires that an **Individualized Education Program (IEP)** be written for each student who is eligible for and enrolled in special education.

Each student's IEP must be reviewed at least once a year and must be changed as the student's needs change. The parent or the school district may request an IEP review more often, as necessary. A parent's request for an IEP review is limited to a maximum of two times per semester.

The IEP must be written by a **team** including the student's teacher, a school administrator and the parents or guardians. When appropriate, the student must also be included. Sometimes, one or more specialists may help the team. The first time your child is eligible for services, someone who was involved in testing him/her must be included on the IEP team.

You may bring along a helper to the IEP meeting. This may be someone who is specially trained as an advocate for the rights of the handicapped, another parent who has experience with the IEP meeting, a professional who is familiar with your child or a translator.

Preparing the IEP gives the teacher, school administrator and parents a chance to sit together and review the background of the child and then to plan a program to help the child learn to the fullest extent possible.

THE IEP MUST INCLUDE:

- *A statement of the student's strengths and abilities, special problems and learning needs —*

details about what the student has accomplished and is able to do as well as about what he or she needs to learn.

- *Annual educational goals and objectives* — clear statements about what the student will be expected to do by the end of the year and within shorter specific time periods.
- *Educational services* that will be necessary for the child to benefit from special education.
- *How much time the child will be able to participate in regular classes or extracurricular activities.*
- *Dates and timelines for Special Education services and programs* — when services will start, how long it will continue, how often it will take place.
- *A clear statement of how the student's progress will be evaluated.*

Your Right To Due Process

The term **due process** is a legal one The Education For All Handicapped Children Act (Public Law 94-142) mandates due process safeguards in all matters relating to decisions about special education.

Due process safeguards protect your rights in all procedures related to the identification, assessment and placement of your child.

Due process is the basic way you can make sure your child gets the education he or she needs.

Due process provides for the opportunity to question educational decisions made by school officials.

YOU HAVE THE RIGHT TO:

- Receive *notice in writing* before the school system takes, or recommends, any action that may change your child's school program.
- Receive *written notice* if the school refuses to take action to change your child's program.
- Give *or withhold permission* for your child: 1) to be tested to see if he or she needs special education services, 2) to be assessed by specialists to determine what his/her educational needs are, 3) to be placed in a special school program.
- *See and examine,* within five school day after you make the request, all school records related to the identification, assessment and placement of your child.
- Request an impartial *fair hearing,* at any point along the way, to question any decision related to identification, assessment or placement of your child.
- *Appeal to the courts* if you are dissatisfied with how your case is handled at the state level.

Your Rights To Confidentiality And Access To Your Child's Records

RIGHTS Related To Student Records:

- You have the right to privacy and confidentiality of all educational records including the right to see within five (5) days of request, review and, if necessary, challenge the records in accordance with the family, educational rights and Privacy Act of 1974.
- The right to request a copy of the educational records prior to meetings, or at any other time. (A reasonable charge for copies may be assessed if the fee does not effectively prevent the parents from obtaining copies of these records.)
- The right to be notified when records are transferred except when the transfer is initiated at your request or, except when a request is received from a school in which your child seeks or intends to enroll.

If your child is not in a special education program, and you suspect he or she has a disability . . .

ask that he/she be assessed to find out what kind of program will help his or her learning.

Put your request for an assessment *in writing* to the principal of your child's school or to the district superintendent of schools.

If your child is already in a special education program . . .

you can ask for a re-assessment if you feel the placement was based on old, inaccurate or incomplete testing — or if you are dissatisfied with the placement.

Put your request *in writing* to the district superintendent.

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Belmont Elementary District
Brisbane Elementary District
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La Honda-Pescadero Unified District
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